

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Hakiim R. Speaks,) C/A No.: 6:21-3663-BHH
Plaintiff,)
v.) ORDER
Joshua P. Campbell,)
Defendants.)

This matter is before the Court for review of the Report and Recommendation (“Report”) of United States Magistrate Judge Jacquelyn D. Austin, which was made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 for the District of South Carolina. In her Report, which was filed on December 1, 2021, the Magistrate Judge recommends that the Court dismiss this case for, among other reasons, failure to state a plausible claim pursuant to 42 U.S.C. § 1983. (ECF No. 9.) Attached to the Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of receiving a copy. (*Id.* at 13.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

On December 17, 2021, the envelope containing both Plaintiff’s copy of the Report (ECF No. 9) and an Order (ECF No. 7) that advised Plaintiff of his responsibility

to notify the Court in writing if his address changed, was returned to the Clerk of Court, marked "Released 11/29/[21]" and stamped "Return to Sender, Attempted – Not Known, Unable to Forward." (ECF No. 11.)

Accordingly, at this time, it appears that Plaintiff has failed to keep the Court advised of any change of address, and Plaintiff has not filed any objections to the Report. In the absence of objections to the Magistrate Judge's Report and Recommendation, this Court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 and advisory committee's note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge's findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that Plaintiff's claims against Defendant are subject to summary dismissal for the reasons set forth in the Magistrate Judge's Report. Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 9) and incorporates it herein by reference, and dismisses this action without issuance and service of process.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

January 6, 2022
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.